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Richard H. Tushin
DYKEMA GOSSETT PLC
Third Floor West, Franklin Square
1300 I street, N.W.
Washington, DC 20005-3306

In re Application of
HANSEN, Per Skaft
Application No.: 10/069046
PCT No.: PCT/DK00/00448
Int. Filing Date: 10 August 2000
Priority Date: 10 August 1999
Attorney's Docket No.: 66386-284-7
For: METHOD AND APPARATUS FOR
ENCODING AND DISPLAYING
STEREOGRAMS

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This is in response to the "Petition Under 37 C.F.R. § 1.137(b)" filed on 21 February 2002.

BACKGROUND

On 10 August 2000, this international application was filed, claiming an earliest priority date of 10 August 1999. A copy of the intentional application was transmitted on 15 February 2001 to the USPTO from the International Bureau

On 09 March 2001, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 10 February 2002. This international application became abandoned with respect to the United States at midnight on 10 February 2002 for failure pay the basic national fee.

On 21 February 2002, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee. No executed declaration or oath was submitted at such time.

On 02 April 2002, applicant submitted an executed declaration to the USPTO.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Applicant's statement that "...due to an unintentional circumstance, the filing of the necessary documents was not accomplished by the date. The unintentional failure to prosecute has continued to today " is being construed as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b). Further, a review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied.

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

The required of \$130.00 (the surcharge under 1.492(f) for an English translation after thirty months) has been charged to Deposit Account No. 04-2223 as authorized in the petition.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of 02 April 2002.

A handwritten signature in cursive script, appearing to read "Rafael Bacares", is written over the printed name.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6312
Fax: (703) 308-6459